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DATE OF DEPOSIT January 13, 2004

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED
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(TYPE OR PRINT) Ben Ratliff
SIGNATURE Ben Ratliff

Attorney Docket No. B45070-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Friede, et al.
Appln. No.: 09/819,464 Group Art Unit No.: 1648
Filed: March 28, 2001 Examiner: Z. Lucas
For: VACCINES

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM OF
BENEFIT OF A PRIOR FILED APPLICATION**

Sir:

Applicant respectfully requests acceptance of an unintentionally delayed claim for
benefit under 35 U.S.C. §120, §121 or §365(c) for the benefit of a prior filed application,
pursuant to 37 C.F.R. §1.78(a)(3).

(i) Applicant hereby petitions, in accordance with 37 C.F.R. §1.78 (a)(3), to claim
the benefit in the above-identified application under 35 U.S.C. §365(c), of United Kingdom
application 9513107.4, filed June 28, 1995. The claim to priority was properly identified in
a prior application PCT/EP96/01464 (filed April 1, 1996 – Equivalent to WO96/33739 –
Exhibit 1).

(ii) A Certified Copy of the priority document GB 9513107.4 (file June 28, 1995) is enclosed with this Petition.

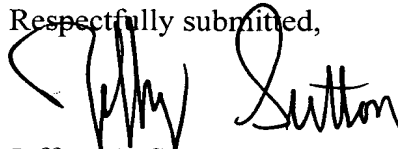
(iii) Also, Applicant hereby petitions to remove the claim to priority to *United Kingdom* application 96910019.7, for this document does not exist as recited – it is due to a typographical error. Applicant notes that European Patent Application 9691009.7 does exist, however, it is equivalent to PCT/EP96/01464, which is already correctly claimed in the chain of priority, and thus it would be redundant to claim priority to European Patent Application 9691009.7.

(iv) A supplemental Application Data Sheet (37 CFR § 1.76(c)) is hereby submitted as a means to correct the claim to priority. (Applicant thus respectfully requests that the claim to priority in the above-identified application read as noted (with revisions) in the accompanying Filing Receipt – Exhibit 2).

(v) Authorization is hereby given to charge the amount of \$1,300.00, under 37 C.F.R. §1.17(t), or any other fees which may be required by this paper, to Deposit Account No. 19-2570.

(vi) Applicant states that the entire delay between the date the claim for benefit was due under paragraph (a)(2)(ii) of 37 C.F.R. §1.78 and the date this claim is filed was unintentional.

Respectfully submitted,



Jeffrey A. Sutton
Attorney for Applicants
Registration No. 34,028

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N:\jas\pto\b45070-1\B45070-1Petition.doc



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re prior application of:

Application No.: 09 / 819,464

Group No.: 1648

Filed: March 28, 2001

Examiner: Zachariah Lucas

For: VACCINES

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

SUPPLEMENTAL APPLICATION DATA SHEET
37 C.F.R. § 1.76(c)

NOTE: "Supplemental application data sheets. Supplemental application data sheets:

(1) May be subsequently supplied prior to payment of the issue fee either to correct or update information in a previously submitted application data sheet, or an oath or declaration under § 1.63 or § 1.67, except that inventorship changes are governed by § 1.48, correspondence changes are governed by § 1.33(a), and citizenship changes are governed by § 1.63 or § 1.67; and

(2) Should identify the information that is being changed (added, deleted, or modified) and therefore need not contain all the previously submitted information that has not changed." 37 C.F.R. § 1.76(c).

The following information on the Application Data Sheet is changed as indicated:

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☐ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)


37 C.F.R. § 1.10*

☐ with sufficient postage as first class mail.

☒ as "Express Mail Post Office to Addressee"

Mailing Label No. E1964437028US (mandatory)**TRANSMISSION**

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Date: 1/13/04
Signature
(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

BIBLIOGRAPHIC DATA

1. ☐ Applicant information is being ☐ added ☐ deleted ☐ modified:

NOTE: 37 C.F.R. § 1.76(b)(1): "(1) Applicant information. This information includes the name, residence, mailing address, and citizenship of each applicant (§ 1.41(b)). The name of each applicant must include the family name, and at least one given name without abbreviation together with any other given name or initial. If the applicant is not an inventor, this information also includes the applicant's authority (§§ 1.42, 1.43, and 1.47) to apply for the patent on behalf of the inventor."

WARNING: Inventorship changes are governed by § 1.48. 37 C.F.R. § 1.76(c)(1).

WARNING: Citizenship changes are governed by § 1.63 or § 1.67. 37 C.F.R. 1.76(c)(1).

First applicant:

GIVEN NAME	MIDDLE INITIAL OR NAME	FAMILY (OR LAST NAME)
Citizenship _____		
Residence _____		

Second applicant, (if any)

GIVEN NAME	MIDDLE INITIAL OR NAME	FAMILY (OR LAST NAME)
Citizenship _____		
Residence _____		

Third applicant, (if any)

GIVEN NAME	MIDDLE INITIAL OR NAME	FAMILY (OR LAST NAME)
Citizenship _____		
Residence _____		

Fourth applicant, if any

GIVEN NAME	MIDDLE INITIAL OR NAME	FAMILY (OR LAST NAME)
Citizenship _____		
Residence _____		

(Supplemental Application Data Sheet [4-1.2]—page 2 of 6)

Fifth applicant, (if any)

GIVEN NAME MIDDLE INITIAL OR NAME FAMILY (OR LAST NAME)
Citizenship _____
Residence _____

Sixth applicant, (if any)

GIVEN NAME MIDDLE INITIAL OR NAME FAMILY (OR LAST NAME)
Citizenship _____
Residence _____

- ☐ Applicant is not the inventor and applicant's authority (§§ 1.42, 1.43 and 1.47) to apply for the patent on behalf of the inventor is as follows:

2. Correspondence information is being ☐ added ☐ deleted ☐ modified:

NOTE: 37 C.F.R. § 1.76(b)(2): "(2) Correspondence information. This information includes the correspondence address, which may be indicated by reference to a customer number, to which correspondence is to be directed (see § 1.33(a))."

WARNING: Correspondence changes are governed by § 1.33(a)

Correspondence for this application should be addressed as follows:

Name: _____

Address: _____

☐ Customer No.: _____

3. Application information is being ☐ added ☐ deleted ☐ modified:

NOTE: 37 C.F.R. § 1.76(b)(3): "Application information. This information includes the title of the invention, a suggested classification, by class and subclass, the Technology Center to which the subject matter of the invention is assigned, the total number of drawing sheets, a suggested drawing figure for publication (in a nonprovisional application), any docket number assigned to the application, the type of application (e.g., utility, plant, design, reissue, provisional), whether the application discloses any significant part of the subject matter of an application under a secrecy order pursuant to § 5.2 of this chapter (see § 5.2(c)), and, for plant applications, the Latin name of the genus and species of the plant claimed, as well as the variety denomination. The suggested classification and Technology Center information should be supplied for provisional applications whether or not claims are present. If claims are not present in a provisional application, the suggested classification and Technology Center should be based upon the disclosure."

Title of Invention:

Docket number assigned to this application:

Suggested Classification: Class:

Subclass:

Technology Center to which subject matter is assigned:

NOTE: "The suggested classification and Technology Center information should be supplied for provisional applications whether or not claims are present. If claims are not present in a provisional application, the suggested classification and Technology Center should be based upon the disclosure." 37 C.F.R. § 1.76(b)(3).

Total number of drawing sheets:

Type of application:

☐ utility

☐ application is to be published

Suggested drawing figure for publication: _____

☐ application is not to be published

☐ plant

☐ Latin names of the genus _____
species _____

of plant being claimed.

☐ design

☐ reissue

☐ provisional

Secrecy order under § 5.2:

This application

☐ does not disclose

☐ discloses a significant part of the

subject matter of an application which is under a secrecy order pursuant to § 5.2.

(Supplemental Application Data Sheet TF5>[4-1.2]—page 4 of 6)

4. Representative information is being ☐ added ☐ deleted ☐ modified:

NOTE: 37 C.F.R. § 1.76(b)(4) states: "Representative information. This information includes the registration number of each practitioner having a power of attorney or authorization of agent in the application (preferably by reference to a customer number). Providing this information in the application data sheet does **not** constitute a power of attorney or authorization of agent in the application (see § 1.34(b))." (Emphasis added).

The following have a power of attorney or authorization of agent in this application:

Name of attorney (agent): _____

Address: _____

Customer No.: _____

5. Domestic Priority information is being ☐ added ☐ deleted ☐ modified:

NOTE: "Domestic priority information. This information includes the application number, the filing date, the status (including patent number if available), and relationship of each application for which a benefit is claimed under 35 U.S.C. 119(e), 120, 121, or 365(c). Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and § 1.78(a)(2) or § 1.78(a)(4), and need not otherwise be made part of the specification." 37 C.F.R. § 1.76(b)(5).

☐ Domestic priority for this application is claimed as follows:

☐ 35 U.S.C. § 119(e): Application No.: _____

Filed: _____

Status: _____

Relationship: _____

☐ 35 U.S.C. § 120: Application No.: _____

Filed: _____

Status: _____

Relationship: _____

☐ 35 U.S.C. § 121: Application No.: _____

Filed: _____

Status: _____

Relationship: _____

☐ 35 U.S.C. § 365(c): Application No.: _____

Filed: _____

Status: _____

Relationship: _____

6. Foreign priority information is being ☒ added ☒ deleted ☐ modified:

NOTE: "Foreign priority information. This information includes the application number, country, and filing date of each foreign application for which priority is claimed, as well as any foreign application having a filing date before that of the application for which priority is claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and § 1.55(a)." 37 C.F.R. § 1.76(b)(6).

☒ Foreign priority is claimed for this application as follows:

Delete Country: United Kingdom
Application No.: 96910019.7
Filing date: 04/01/1996
Status: _____
Foreign application having a filing date before that of the above application for which priority is claimed.
☐ None
Add ☒ Country: United Kingdom
Application No.: 9513107.4
Filing date: 06/28/1995
Status: _____

7. Assignee information is being ☐ added ☐ deleted ☐ modified:

NOTE: 37 C.F.R. § 1.76(b) "Assignee information. This information includes the name (either person or juristic entity) and address of the assignee of the entire right, title, and interest in an application. Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of this chapter to have an assignment recorded by the Office."

NOTE: 37 C.F.R. § 1.215(b): "(b) If applicant wants the patent application publication to include assignee information, the applicant must include the assignee information on the application transmittal sheet or the application data sheet (§ 1.76). Assignee information may not be included on the patent application publication unless this information is provided on the application transmittal sheet or application data sheet included with the application on filing. Providing this information on the application transmittal sheet or the application data sheet does not substitute for compliance with any requirement of part 3 of this chapter to have an assignment recorded by the Office."

The assignee(s) of this application is/are:

Name of assignee: SmithKline Beecham Biologicals s.a.
Address of assignee: Rue de l'Institut 89, B-1330 Rixensart,
Belgium

Extent of interest of assignee in application: _____

Reg. No. 34,028


Signature of Practitioner

Tel. No. (610) 270-6316

Jeffrey A. Sutton
(type or print name of practitioner)

Customer No. 20462

709 Swedeland Rd., P.O. Box 1539,
P.O. Address
King of Prussia, PA 19406-0939

(Supplemental Application Data Sheet [4-1.2]—page 6 of 6)

"EXHIBIT 1"

PCT

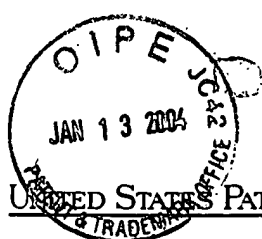
WORLD INTELLECTUAL PROPERTY ORGANIZATION
International Bureau



INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

<p>(51) International Patent Classification ⁶ : A61K 39/39, 39/02, 39/12</p>	<p>A1</p>	<p>(11) International Publication Number: WO 96/33739 (43) International Publication Date: 31 October 1996 (31.10.96)</p>
<p>(21) International Application Number: PCT/EP96/01464 (22) International Filing Date: 1 April 1996 (01.04.96) (30) Priority Data: 9508326.7 25 April 1995 (25.04.95) GB 9513107.4 28 June 1995 (28.06.95) GB (71) Applicant (for all designated States except US): SMITHK- LINE BEECHAM BIOLOGICALS S.A. [BE/BE]; Rue de l'Institut 89, B-1330 Rixensart (BE). (72) Inventors; and (75) Inventors/Applicants (for US only): GARCON, Nathalie, Marie-Josephe, Claude [FR/BE]; SmithKline Beecham Bio- logicals S.A., Rue de l'Institut 89, B-1330 Rixensart (BE). FRIEDE, Martin [GB/BE]; SmithKline Beecham Biologi- cals S.A., Rue de l'Institut 89, B-1330 Rixensart (BE). (74) Agent: DALTON, Marcus, Jonathan, William; SmithKline Beecham, Corporate Intellectual Property, SB House, Great West Road, Brentford, Middlesex TW8 9BD (GB).</p>		<p>(81) Designated States: AL, AM, AT, AU, AZ, BB, BG, BR, BY, CA, CH, CN, CZ, DE, DK, EE, ES, FI, GB, GE, HU, IS, JP, KE, KG, KP, KR, KZ, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, TJ, TM, TR, TT, UA, UG, US, UZ, VN, ARIPO patent (KE, LS, MW, SD, SZ, UG), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, ML, MR, NE, SN, TD, TG).</p> <p>Published <i>With international search report.</i></p>
<p>(54) Title: VACCINES CONTAINING A SAPONIN AND A STEROL (57) Abstract The invention relates to a vaccine composition comprising an antigen, an immunologically active saponin fraction and a sterol.</p>		

"EXHIBIT 2"



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/819,464	03/28/2001	1615	10032	B45070-1	10	49	9

CONFIRMATION NO. 1150

UPDATED FILING RECEIPT



OC000000006268047

GLAXOSMITHKLINE
Corporate Intellectual Property -UW2220
P. O. Box 1539
King of Prussia, PA 19406-0939

Date Mailed: 07/06/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Martin Friede, Cardiff, CA;
Nathalie Garcon, Rixensart, BELGIUM;

PETITION FILED TO CORRECT

Assignment For Published Patent Application

SmithKline Beecham Biologicals s.a.;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CIP OF 08/945,450 12/12/1997 ABN
WHICH IS A 371 OF PCT/EP96/01464 04/01/1996
AND A CIP OF 09/269,383 04/02/1999 ABN
WHICH IS A 371 OF PCT/EP97/05578 09/30/1997

Foreign Applications

UNITED KINGDOM 9508326.7 04/25/1995
UNITED KINGDOM 96010019.7 04/01/1996
UNITED KINGDOM 9620795.6 10/05/1996

9513107.4 (06/28/1995)

If Required, Foreign Filing License Granted 05/04/2001

Projected Publication Date: 10/18/2001

Non-Publication Request: No

Early Publication Request: No

2001 JUL 11 A 10:53

RECEIVED
01/10/2001

Title

Vaccines

Preliminary Class

424

Data entry by : GIZAW, ASTER

Team : OIPE

Date: 07/06/2001